	Application No.	Applicant(s)
Notice of Allowability	09/965,359	WHITTINGHAM ET AL.
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *May 2, 2006*.

2. ☒ The allowed claim(s) is/are *14-50,52,53,55 and 56*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

       3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

       1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Neveen Abel-Jalil
AU 2165

DETAILED ACTION

Remarks

1.   The Amendment filed on 2-May-2006 has been received and entered. Claims 1-13, 51,

54, and 57-61 have been cancelled. Therefore, claims 14-50, 52-53, and 55-56 are now pending.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview with

Jean Dudek Kuelper on May 13, 2006 (Attorney of Record).

Amendments to the Claims:

3.   The claims has been amended as follows:

Replace claim 14 with the following:

        14. (Currently Amended) A method of producing labels at a remote location in

communication with a server and central database via the internet, comprising:

        receiving via the internet one or more orders for labels, the orders identifying variable

data to be printed on the labels;

storing the received orders in the central database; receiving a request via the internet to process one or more orders for production;

storing a plurality of printing templates for a plurality of customers;

merging printing data identified in the one or more orders to be processed and a template selected from the plurality of stored templates to generate image data for the labels to be printed for the one or more processed orders; and

storing in the central database the generated image data ~~for communication~~ to be communicated via the internet to a remote location for label production wherein the image data for the processed orders stored in the central database is associated with one of a plurality of different types of label production machines;

receiving a request via the internet to change the production machine for the labels; and

reprocessing the orders in accordance with a different printing template associated with the changed production machine.

Replace claim 16 with the following:

16. (Currently Amended) ~~A~~ The method of producing labels as recited in claim 15 wherein the information representing the type of machine to be used in production of the labels is an identified production technique.

Replace claim 17 with the following:

17. (Currently Amended) ~~A~~ The method of producing labels as recited in claim 15

wherein the steps of selecting a template, merging the data, and storing the production data file

are automatically implemented in response to receipt of a confirmation to process a job.

Replace claim 18 with the following:

18. (Currently Amended) ~~A~~ The method of producing labels as recited in claim 15

wherein the production data file generated ~~can be~~ is directly input to the type of production

machine for which the production data file was generated.

Replace claim 19 with the following:

19. (Currently Amended) ~~A~~ The method of producing labels as recited in claim 15

wherein the one or more orders ~~can be~~ is received from one or more locations and the request to

process the orders ~~can be~~ is received from a different location.

Replace claim 20 with the following:

20. (Currently Amended) ~~A~~ The method of producing labels as recited in claim 15

wherein the one or more orders ~~can be~~ is received from a location and the request to process the

orders ~~can be~~ is received from the same location.

Replace claim 21 with the following:

21. (Currently Amended) A ~~The~~ method of producing labels as recited in claim 15

wherein a plurality of orders ~~can be~~ is received from different locations and processed together

as one print job.

Replace claim 22 with the following:

22. (Currently Amended) A ~~The~~ method of producing labels as recited in claim 15

wherein the step of storing templates includes storing a plurality of templates for labels to be

produced by a thermal printer.

Replace claim 23 with the following:

23. (Currently Amended) A ~~The~~ method of producing labels as recited in claim 15

wherein the step of storing templates includes storing a plurality of templates for plates used to

produce labels by lithographic printing.

Replace claim 24 with the following:

24. (Currently Amended) A ~~The~~ method of producing labels as recited in claim 15

wherein at least one of the stored templates defines a layout of information to be printed on a

label.

Replace claim 25 with the following:

25. (Currently Amended) A The method of producing labels as recited in claim 15

wherein at least one of the stored templates defines a layout for one or more plates to be used in

printing labels, each plate simultaneously printing a plurality of labels.

Replace claim 26 with the following:

26. (Currently Amended) A The method of producing labels as recited in claim 25

wherein the stored templates for a plate layout includes at least two labels with different variable

data to be printed thereon.

Replace claim 27 with the following:

27. (Currently Amended) A The method of producing labels as recited in claim 25

wherein the plate layout includes a layout of information to be printed on each of the plurality of

labels defined by the plate.

Replace claim 28 with the following:

28. (Currently Amended) A The method of producing labels as recited in claim 25 25

including determining the minimal number of plate that can be is capable of being used to

produce the libels and the layout of each plate; calculating an estimated production cost

associated with the determined minimal number of plates; increasing the number of plates and

recalculating the estimated production costs to determine if when the increased number of plates

has a lower estimated production cost than the estimated production cost associated with the

minimal number of plates.

Replace claim 29 with the following:

29. (Currently Amended) A The method of producing labels as recited in claim 15

wherein the production file includes a data stream that ~~can be~~ is directly input to a printer ~~for~~

~~printing~~ to print the labels of a job.

Replace claim 30 with the following:

30. (Currently Amended) A The method of producing labels as recited in claim 15

wherein the production file includes font information.

Replace claim 31 with the following:

31. (Currently Amended) A The method of producing labels as recited in claim 15

wherein the production file includes graphic information.

Replace claim 32 with the following:

32. (Currently Amended) A The method of producing labels as recited in claim 15

including receiving a request via the internet to change a machine type for a job; reselecting a

stored template in accordance with the changed machine type; merging the variable data with the

reselected template to generate a new production data file for the labels and storing the new

production data file in the central database.

Replace claim 34 with the following:

34. (Currently Amended) A The method of producing labels as recited in claim 33

including the step of receiving orders for labels from a remote location via the internet and

wherein the orders and production data files are stored in a central database.

Replace claim 35 with the following:

35. (Currently Amended) A The method of producing labels as recited in claim 34

wherein the orders in a job are capable of being received from different locations.

Replace claim 36 with the following:

36. (Currently Amended) A The method of producing labels as recited in claim 34

wherein the production data file [can be] is capable of being sent to a remote location that is the

same or different from the remote locations from which the orders for a job are received.

Replace claim 37 with the following:

37. (Currently Amended) A The method of producing labels as recited in claim 33

wherein the information representing the type of machine to be used in production of the labels is

an identified production technique.

Replace claim 38 with the following:

38. (Currently Amended) A ~~A~~ The method of producing labels as recited in claim 33 wherein the steps of selecting a template, merging the data, and storing the production data file are automatically implemented in response to receipt of a confirmation to process a job.

Replace claim 39 with the following:

39. (Currently Amended) A ~~A~~ The method of producing labels as recited in claim 33 wherein the production data file generated is capable of being directly input to the type of production machine for which the production data file was generated.

Replace claim 40 with the following:

40. (Currently Amended) A ~~A~~ The method of producing labels as recited in claim 33 wherein the one or more orders is capable of being received from a location and the request to process the orders can be received from the same location.

Replace claim 41 with the following:

41. (Currently Amended) A ~~A~~ The method of producing labels as recited in claim 33 wherein a plurality of orders are capable of being received from different locations and processed together as one print job.

Replace claim 42 with the following:

42. (Currently Amended) A The method of producing labels as recited in claim 33

wherein at least one of the stored templates defines a layout of information to be printed on a

label.

Replace claim 43 with the following:

43. (Currently Amended) A The method of producing labels as recited in claim 33

wherein at least one of the stored templates defines a layout for one or more plates to be used in

printing labels, each plate simultaneously printing a plurality of labels.

Replace claim 44 with the following:

44. (Currently Amended) A The method of producing labels as recited in claim 43

wherein the stored templates for a plate layout includes at least two labels with different variable

data to be printed thereon.

Replace claim 45 with the following:

45. (Currently Amended) A The method of producing labels as recited in claim 43

wherein the plate layout includes a layout of information to be printed on each of the plurality of

labels defined by the plate.

Replace claim 46 with the following:

46. (Currently Amended) A The method of producing labels as recited ill claim 43

including determining the minimal number of plates that can be is capable of being used to

produce the labels and the layout of each plate; calculating an estimated production cost

associated with the determined minimal number of plates; increasing the number of plates and

recalculating the estimated production costs to determine if when the increased number of plates

has a lower estimated production cost than the estimated production cost associated with the

minimal number of plates.

Replace claim 47 with the following:

47. (Currently Amended) A The method of producing labels as recited in claim 43

wherein the plate layout includes a layout of information to be printed on each of the plurality of

labels defined by the plate.

Replace claim 48 with the following:

48. (Currently Amended) A The method of producing labels s recited in claim [33] 43

including determining a minimal number of plates that can be is capable of being used to

produce the labels and the layout of each plate; calculating an estimated production cost

associated with the determined minimal number of plates; increasing the number of plates and

recalculating the estimated production costs to determine if when the increased number of plates

has a lower estimated production cost than the estimated production, cost associated with the

minimal number of plates.

Replace claim 49 with the following:

49. (Currently Amended) A ~~The~~ method of producing labels as recited in claim 33

wherein the production file includes a data stream that is capable of being directly input to a

printer for printing the labels of a job.

Replace claim 50 with the following:

50. (Currently Amended) A ~~The~~ method of producing labels as recited in claim 33

wherein the production file includes font information.

Replace claim 53 with the following:

53. (Currently Amended) A ~~The~~ system for producing labels as recited in claim 52

wherein said server operates in accordance with a routine to allow new label types to be added to

the system and available for ordering by communication with the system via the internet, the

routine being responsive to user inputs to update the web page tables and automatically create a

new web page to allow the new label type to be ordered.

Replace claim 55 with the following:

55. (Currently Amended) A ~~The~~ system for producing labels as recited in claim 52

wherein production data files are generated for thermal printers.

Replace claim 56 with the following:

56. (Currently Amended) A ~~The~~ system for producing labels as recited in claim 52

wherein production data files are generated for plate making machines.

Allowance

4.   Claims 14-50, 52-53, and 55-56 are allowed over the prior art made of record.

5.   Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil

June 14, 2006